1 c.s. 4001 (7)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO: 3064/2004

1. Chhattisgarh Rajya Parivahan Karmachari Mahasangh,
Raipur
Regd. Under Regn.No. 183/RYP/74 Raipur (CG)
Regd. Office New Bus Stand,
Pandari, Raipur (CG)
Through Its:
General Secretary Avadesh Pratap Singh

2. Avadesh Pratap Singh,
(EX-Booking Agent, MPSRTC,Raipur Depot No.1)
Presently on Deputation
To Nagar Panchayat, Lavan as Asst. Gr.III
R/o:

3. Narayan Prasad Sharma
S/o: Shri Jagannath Prasad Sharma,
(Ex-Conductor, MPSRTC)
Presently posted as : Asst. Revenue Inspector
Kashdol, Dist: Raipur (CG)
R/o: Azad Chowk, Bramhan Para,
Raipur (CG)

P. R. No. 3068/04
Presented by Shri N. S. Vyas
dated 3-9-04

4. Iqbal Ahmed,
S/o: Shri Mery Khan,
(Ex-Driver,MPSRTC)
Presently posted as Driver in the State Garage,
Govt. of Chhattisgarh, Raipur
R/o: Moudha Para, Raipur (CG)

... **Petitioners**

Vs

1 State of Chhattisgarh
Through: Secretary
Home Deptt.
D.K.S. Bhavan,
Raipur (CG)

State of Madhya Pradesh,
Through: Secretary Transport Deptt.
Vallabh Bhavan, Bhopal (M.P)

3 Managing Director,
Madhya Pradesh Road Transport Corporation
Habib Ganj Bhopal (M.P.)

Managing Director,
Chhattisgarh Infrastructure Development Corporation,
Near Mantralaya,
Raipur (CG)

... **Respondents**

RECEIVED-COPY
Clerk to A.G. Bilaspur

(8)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUE OF WRIT OF MANDAMOUS/CERITORI OR DIRECTION OF LIKE NATURE.

(122)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2325 of 2004

Petitioners — Chhattisgarh Rajya Parivahan Karmachari Mahasangh & others

Versus

Respondents — State of Chhattisgarh and others

And

Writ Petition No. 3064 of 2004

Petitioners — Chhattisgarh Rajya Parivahan Karmachari Mahasangh & others

Versus

Respondents — State of Chhattisgarh and others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri N.K. Vyas, Advocate for the petitioners.

Smt. Anju Ahuja, Deputy Government Advocate for the respondent No. 1.

Shri Sanjay Patel, Advocate for the respondent No. 3.

Shri Ashok Vaishnav, Advocate for the respondent No. 4.

ORAL ORDER

(6th July, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. Learned counsel for the petitioners submits that the petitioners in W.P. No. 2325/2004 and W.P. No. 3064/2004 were initially appointed by the Madhya Pradesh State Road Transport Corporation, constituted by the undivided State of Madhya Pradesh.

2. By notification dated 27th December, 2002, issued by the Government of India, Ministry of Road Transport and Highways, the Madhya Pradesh State Road Transport Corporation was abolished. The petitioners who were allocated to the State of Chhattisgarh became jobless. The State of Chhattisgarh in its return has stated as under :-

(123)

"A Policy is framed for deputing the employee in various department of Government with the motive to absorb them in respective department and according to that policy only the employees are being sent on deputation. The policy as framed is on Annexure R-2. That the impugned order under challenge in this petition itself very emphatically lays down that the general rules of deputation shall not be applicable for the employees working with the erstwhile M.P.S.R.T.C. and who have been issued purely as a matter of rehabilitation to accommodate these employees of MPSRTC allotted to C.G. in different departments. Further, it is submitted that the same order also specifically holds that the said policy was framed as rehabilitation arrangement made for the employees of the erstwhile M.P.S.R.T.C. the employees of which after the bifurcation were attached to the services with Chhattisgarh Infrastructure Development Corporation."

3. In view the categorical statement made by the State of Chhattisgarh in the return, the State of Chhattisgarh is directed to consider the cases of the petitioners for absorption and deputation, in accordance with their policy decision as stated-above, within a period of three months from today.

4. For the reasons stated-above, the writ petitions stand disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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